

## COUNTY JAILS

Tues 9-29-15

# Judge: Baca won't be immune

Former sheriff subject to prosecution if he testifies in Tanaka corruption case

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Former Los Angeles County Sheriff Lee Baca will not be immune from prosecution if he is called to testify in the corruption case against his former second-in-command and reveals any criminal activity that occurred in the jails under his watch.



Baca

A federal district court judge ruled Monday that Baca won't be granted immunity in order to testify at the trial of former Under-sheriff Paul Tanaka, who is accused of obstruction of justice and conspiracy to obstruct justice in an attempt to thwart the FBI and U.S. attorney's investigation into bru-

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## Baca

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tality and corruption by deputies in county jails in downtown Los Angeles.

Tanaka was charged in May along with former Sheriff's Department Capt. William "Tom" Carey, who pleaded guilty last month to one count of lying under oath.

In the indictment, prosecutors said that between August and December 2011 Carey and Tanaka allegedly gave orders and oversaw actions, including attempts to conceal an inmate used as an FBI informant from federal investigators, to prevent the FBI from investigating civil rights violations in the jails.

Seven other deputies were convicted last year of federal charges in relation to the case. Baca has not been charged.

Tanaka's attorney, H. Dean Steward, said in court documents that Baca should be granted immunity so he can testify at the trial without invoking his Fifth Amendment privilege against self-incrimination. Steward said Baca would provide information that directly contradicts the prosecution's theory.

Judge Percy Anderson, who denied the request,

said it is unclear if Baca would invoke the Fifth Amendment if he is called to the witness stand.

Steward said he has not interviewed Baca and that the former sheriff hired a new lawyer 10 days ago.

In order to grant Baca immunity, the defense would have had to show that Baca's testimony would directly contradict an immunized witness's testimony. Anderson said the defense had not shown that.

Former federal prosecutor Joseph N. Akrotirianakis, who prosecuted public corruption cases, said Baca will likely invoke the Fifth Amendment.

"It's unlikely that he's going to be able to testify to anything," Akrotirianakis said.

Anderson did approve Steward's request to delay the trial, which was scheduled for Nov. 3 to March 22.

Steward said in court papers that there are more than 1 million documents involved in the federal government's investigation into corruption in the county jails. Many of those documents are relevant to Tanaka's case.

Steward also said he requires surgery, and if the trial is delayed, he would have sufficient time to have the surgery and prepare for the case.

Prosecutors agreed to the new trial date.